

# SENATE RECORD VOTE ANALYSIS

106th Congress  
1st Session

Vote No. 9

February 4, 1999, 3:13 p.m.  
Page S-1209 Temp. Record

## CLINTON IMPEACHMENT/Video & Transcribed Deposition Evidence

**SUBJECT:** Impeachment trial of William Jefferson Clinton for perjury and obstruction of justice. Division I of the House Managers motion for the admission of evidence, the appearance of witnesses, and the presentation of evidence.

### ACTION: MOTION AGREED TO, 100-0

**SYNOPSIS:** On December 19, 1998, the House of Representatives impeached (indicted) President Clinton for perjury and obstruction of justice based on his actions and statements in relation to a Federal civil rights sexual harassment lawsuit that was filed against him by a former employee, Paula Corbin Jones. Ms. Jones alleged that in 1991, when she was an Arkansas State employee, then-Arkansas Governor Clinton exposed himself to her in a crude sexual advance which she refused, and that she subsequently and consequently suffered numerous adverse employment actions and was defamed. During the discovery phase of the lawsuit, the presiding judge ordered President Clinton to answer under oath certain questions posed by Ms. Jones' attorneys regarding any history he had of involvement in sexual relationships with State or Federal employees (such lines of questioning in sexual harassment lawsuits are a common means of establishing whether patterns of similar sexual harassment exist, including patterns of reward and punishment based upon the responses of subordinate employees to sexual advances). Those questions, which were posed in January, 1998, included questions regarding his relationship with a former White House intern, Monica Lewinsky (President Clinton had met Ms. Lewinsky and had begun a relationship with her when she was an intern). Later, in August, 1998, Ms. Lewinsky testified before a Federal grand jury, under a grant of immunity, regarding an affidavit she had filed in the *Jones* case. She gave detailed testimony and provided extensive corroborating physical evidence of a sexual relationship with the President. The President also testified before that grand jury in August. His testimony concerned his relationship with Ms. Lewinsky, his testimony before the Federal court in the sexual harassment lawsuit, and actions he took and statements he made before and after testifying in that lawsuit. The House impeachment of the President for obstruction of justice is based on numerous charges that he illegally tried to conceal the nature of his relationship with Ms. Lewinsky from the Federal court and the grand jury,

(See other side)

YEAS (100)			NAYS (0)		NOT VOTING (0)	
Republican (55 or 100%)	Democrats (45 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (0)	Democrats (0)
Abraham	Hutchinson	Akaka	Kennedy			
Allard	Hutchison	Baucus	Kerrey			
Ashcroft	Inhofe	Bayh	Kerry			
Bennett	Jeffords	Biden	Kohl			
Bond	Kyl	Bingaman	Landrieu			
Brownback	Lott	Boxer	Lautenberg			
Bunning	Lugar	Breaux	Leahy			
Burns	Mack	Bryan	Levin			
Campbell	McCain	Byrd	Lieberman			
Chafee	McConnell	Cleland	Lincoln			
Cochran	Murkowski	Conrad	Mikulski			
Collins	Nickles	Daschle	Moynihan			
Coverdell	Roberts	Dodd	Murray			
Craig	Roth	Dorgan	Reed			
Crapo	Santorum	Durbin	Reid			
DeWine	Sessions	Edwards	Robb			
Domenici	Shelby	Feingold	Rockefeller			
Enzi	Smith, Bob	Feinstein	Sarbanes			
Fitzgerald	Smith, Gordon	Graham	Schumer			
Frist	Snowe	Harkin	Torricelli			
Gorton	Specter	Hollings	Wellstone			
Gramm	Stevens	Inouye	Wyden			
Grams	Thomas	Johnson				
Grassley	Thompson					
Gregg	Thurmond					
Hagel	Voinovich					
Hatch	Warner					
Helms						

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Compiled and written by the staff of the Republican Policy Committee—Larry E. Craig, Chairman

and its impeachment of him for perjury is based on charges of numerous perjurious statements in his grand jury testimony, including charges of perjury regarding his relationship with Ms. Lewinsky and his efforts to obstruct justice in the sexual harassment case against him.

Division I of the House Managers motion would admit into evidence the transcripts and videotapes of the oral depositions taken pursuant to S. Res. 30 (see vote No. 8), from the point that each witness was sworn to testify under oath to the end of any direct response to the last question posed by a party.

NOTE: Manager McCollum offered a motion on behalf of the House Managers for the admission of evidence, the appearance of witnesses, and the presentation of evidence. Immediately after the motion was offered Senator Lott moved to divide the motion into its three constituent parts. The Senate subsequently rejected division II (see vote No. 10), rejected a substitute motion for division III (see vote No. 11), and agreed to division III (see vote No. 12).

**Arguments by the House Managers:**

The videotaped and transcribed depositions of the three witnesses clearly are evidence and they should be admitted into the record as such. If they are not, the historical record of this proceeding will be incomplete. The depositions contain additional evidence that the President is guilty of perjury and obstruction of justice, and, even more importantly, they contain the only first-hand evidence from witnesses that Senators are likely to see, without translation or obfuscation by lawyers. What will it mean if this motion is defeated? Will it then be appropriate for Senators to consider the videotaped testimony? Clearly in any criminal or civil trial it would be wrong to consider evidence that was not in the record; such consideration would be grounds for a mistrial. The President's lawyers, though, seem to take the stance that Senators should consider this videotaped testimony in their deliberations--they have said that it is "perfectly appropriate and, no doubt helpful" for Senators to view it. The only reason that they say that it should not go into the record is that they fear that it will be the first step in the tapes becoming public. They do not mind Senators being influenced by the videotapes--they admit that seeing the witnesses testify first-hand is undeniably helpful--they only object to the public seeing the same helpful information. They have argued against it on the grounds that if the videotapes are released news broadcasters will show them to a public that does not want to see them. They have placed special emphasis on the fact that parents will not want their children to watch any of the videotapes. In response, we strongly disagree that it would be appropriate for the Senate to vote on impeachment based in any part on secret information that was kept from the public. Also, we note that the supposed concern about the tapes being too explicit to show on television is baseless--the questioning, and answers, are very circumspect. No salacious material is in these depositions.

**Arguments by lawyers for the President:**

We do not mind admitting the transcripts of the depositions into evidence, but we believe that it would be a grave mistake to allow the videotaped testimony to be admitted. Nothing would be gained by viewing that testimony, but much harm could result. That videotaped testimony, if it were admitted into the record, would eventually end up in the public domain, and American families would then have to sit through hours of broadcasts and rebroadcasts of the depositions. Once again, families would have to struggle to explain to their children the nature of the relationship between the President and Monica Lewinsky. No one wants this national nightmare to be extended in that fashion. Americans want to put this matter behind them. Senators have already been able to view the videotapes, and they no doubt found them helpful. Nothing would be gained by repeating the circus that followed the release of the Starr report. The videotapes do not contain any new "bombshells"--the witnesses just said again what they have said before. Senators should keep this information out of the record, and thereby guarantee it will not become public.

**No debate occurred on division I of the motion.**